



State of Utah
DEPARTMENT OF NATURAL RESOURCES
DIVISION OF OIL, GAS AND MINING

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December 29, 1993

Mr. Gerald Larson
Larson Limestone Company
P. O. Box 366
Lehi, Utah 84043

Re: Outstanding Permitting Concerns, Larson Limestone Company, Larson Limestone Mine, S/049/011, Utah County, Utah

Dear Mr. Larson:

Division file records indicate that two main questions remain unresolved between the Larson Limestone Company and the Division of Oil, Gas and Mining, regarding the question of whether your limestone mining operation still qualifies as a Small Mining Operation.

1. What is the current disturbed area for the mine operation?
2. Which roads have a verified post mine use?

It is up to the Division, following consultation with Larson Limestone, to ultimately decide which roads have a verifiable post-mine landuse.

The definition section of the rules (R647-1-106) defines "land affected" and "disturbed area" in the following way:

Land Affected means the surface and subsurface of an area within the state where mining operations are being or will be conducted, including, but not limited to: (a) on-site private ways, roads, and railroads; (b) land excavations; (c) exploration sites; (d) drill sites or workings; (e) refuse banks or spoil piles; (f) evaporation or settling ponds; (g) stockpiles; (h) leaching dumps; (i) placer areas; (j) tailings ponds or dumps; (k) work, parking, storage, or waste discharge areas, structures, and facilities. Land affected does not include: (x) lands which have been reclaimed in accordance with an approved plan or as otherwise approved by the Board, (y) lands on which mining operations ceased prior to July 1, 1977, or (z) lands on which previously exempt mining operations ceased prior to April 29, 1989.



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Disturbed Area means the surface land disturbed by mining operations. The disturbed area for small mining operations shall not exceed five acres. The disturbed area for large mining operations shall not exceed the acreage described in the approved notice of intention.

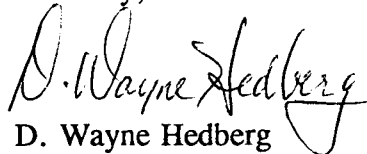
It is true that areas granted a variance by the Division on May 16, 1988, will not require reclamation, but there is no stipulation in the rules stating that land granted a reclamation variance is no longer land affected. The active mine site may currently involve only 3.5 acres, however all areas disturbed and not currently reclaimed by Larson Limestone Company are considered affected land, *including* the areas granted a variance. Land affected also includes all roads constructed or improved by Larson Limestone Company regardless of post-mine use. Furthermore, any areas that were disturbed before the effective date of the Mined Land Reclamation Act (1975) and then reused or redisturbed by Larson Limestone Company, are also considered lands affected. The reclamation variance reduces the amount of land that must be reclaimed, which reduces the cost of reclamation. Consequently, the amount of surety Larson Limestone Company will need to post, if the total disturbed acreage is greater than five acres, will be less than if no variance were granted.

The Division received a letter June 23, 1992, from Larson Limestone Company stating "*We would be happy to meet you or any of your people at the quarry site to measure those areas with a tape measure*". A good time for some of the Division staff to meet onsite to measure land affected would be April 4, 1994. Perhaps we can also discuss which roads have a verifiable post-mine landuse at that time.

It has also come to the Division's attention that we did not receive an annual report form from Larson Limestone Company for 1992. Our records indicate that an annual report form was sent to you on January 4, 1993. This report was due on or before February 1, 1993. Please complete the enclosed annual report (Form MR-AR) for 1992 and return it to this office as soon as possible. We have received your annual report for 1993.

Thank you for your cooperation in helping us resolve these outstanding concerns. If the proposed inspection date is not acceptable, please let us know. Please contact me, or Tony Gallegos of the Minerals staff if you have questions in this matter.

Sincerely,



D. Wayne Hedberg
Permit Supervisor
Minerals Reclamation Program

jb
Enclosure
cc: Buck Rose, Utah County
Lowell Braxton, DOGM
S049011.let